

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CWP NO. 9456 of 2005

DATE OF DECISION : 31.10.2006

Jagbir Singh

.....PETITIONER

VERSUS

State of Haryana and others.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE M.M.KUMAR
HON'BLE MR. JUSTICE M.M.S.BEDI

PRESENT: Mr. MS Kang, Advocate for the petitioner.
Mr. Harish Rathee, Sr.DAG, Hry for respondents No.1
Ms. Vandana Malhotra, Advocate for respondents 2 & 3

M.M.KUMAR,J

Mr. M.S. Kang, learned counsel for the petitioner states that on 13.6.2005 the Division Bench of this Court had passed an interim order expressing prima facie opinion that the petitioner has been subjected to discrimination inasmuch as the period of three years prescribed for deputation is not being extended to the petitioner. It is an admitted position that the petitioner is to complete the aforementioned period of three years on 31.1.2007. Ms.Vandana Malhotra, Advocate appearing for respondents 2 and 3 has,however, cited two judgments of the Hon'ble Supreme Court in the cases of **Mahesh Kumar K.Parmar and others vs S.I.G. of Police and others (2002) 9 S.C.C. 485** and **Ram Ganga Command Area Development Authority and Another vs Sheetal Kumar Vaish and**

others (2003) 9 SCC 32 and argued that a deputationist has no right of continuation in the borrowing department after the expiry of deputation period.

In view of the above, without expressing any opinion on the merits of the controversy raised and keeping in view that the period of three years is to be completed within next three months i.e. 31.1.2007, we direct respondents 2 and 3 to retain the petitioner till the expiry of the aforementioned period. The petitioner shall have no right after 31.1.2007. The rights of the parties shall not be prejudiced if the respondents wish to retain the petitioner beyond that period.

With the above observations and directions, the writ petition stands disposed of.

(M.M.KUMAR)
JUDGE

October 31 ,2006
TSM

(M.M.S.BEDI)
JUDGE